(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 2358 of 2006

Petitioner — Gautam Kumar Raha Aged - 48 years, Son of Shri U.K. Raha Posted as - P.T.I., At - S.S. Kalibadi Hr. Sec. School, Kalibadi, Raipur, District - Raipur (C.G.)
R/o Raha Niketan, Lodhipara, Kapa, Raipur District - Raipur (C.G.)

Versus

Respondents

1. The State of Chhattisgarh Through- The Secretary, School Education Department, Mantralaya, D.K.S. Bhavan, Raipur
2. The Director, Public Instructions, Chhattisgarh Head Quarter at - Raipur.
3. The Governing Body of Kalibadi Shiksha Samiti, Through-its School Secretary, S.S. Kali Badi Hr. Sec. School, Kalibadi, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. R.K. Kesharwani, Advocate for the petitioner.
Ms. Deepali Pandey, Panel lawyer for the respondents No. 1 and 2/State.

ORDER
(Passed on this 16th day of April, 2007)

1. The question of law involved herein is whether the non-teaching staff working in Government aided school are entitled to the benefit of recommendations of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1988 (henceforth 'the Pay Rules, 1988').

2. Learned counsel appearing for the petitioner submits that the terms and conditions of the teaching and non-teaching staff are governed by the

same provisions of law which were under consideration by this Court in the matter of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005), wherein by the judgment and order dated 6.2.2007, this Court held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay-scales with effect from 1.1.1996 as prescribed under the Pay Rules, 1988. This Court further for the purpose of payment of arrears had granted certain direction.

3. Admittedly and jointly, it is submitted by the parties that this matter is squarely covered by the judgment and order dated 6.2.2007 passed by this Court in the case of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (Supra).

4. As a result, for the reasons stated in the judgment and order dated 6.2.2007 passed in W.P. No. 4108 of 2005 (Smt. A. Lall vs. State of Chhattisgarh and other connected matters) (Supra), the writ petition is allowed in the same terms and conditions.

Sd/-
Satish K. Agnihotri
Judge

Thakur